



COUNTY OF MONTEREY HEALTH DEPARTMENT

Elsa Jimenez, Director of Health

Administration
Behavioral Health

Clinic Services
Emergency Medical Services
Environmental Health/Animal Services

Public Health
Public Administrator/Public Guardian

June 20, 2017

Desmond Rd WS #3
Attn: Kate Sawyer
Ed's Water Co #2
PO Box 1
Castroville, CA 95012

**RE: Compliance Order No. 17-014
Desmond Rd WS #3, ID #270-0547**

Dear Ms. Sawyer,

The California Health and Safety Code (H&SC), Section 116655, gives the Monterey County Health Department, Environmental Health Bureau, (EHB) authority to issue Orders directing compliance with the Health and Safety Code, Division 104, Part 12, Chapter 4 (a.k.a., the Safe Drinking Water Act), and with any permit, standard, or regulation issued or adopted pursuant to said Chapter. This Compliance Order directs the referenced water system to comply with State regulations and domestic water permit conditions by supplying specified documents and information.

The H&SC requires that a water system shall reimburse EHB for costs incurred in enforcement activities related to said system. Enforcement activities include preparing, issuing, and monitoring compliance with an order or citation; preparing and issuing public notification; and conducting a permit suspension or revocation hearing. Our costs, based on our current hourly rate, will be charged to the above water system for any further enforcement. If you have any questions regarding this compliance order, please contact this office at 755-4552.

Sincerely,

John Ramirez, M.P.A., R.E.H.S.
Director, Environmental Health Bureau

Enclosure: Compliance Order No.17-014

Cc: Cheryl Sandoval, EHB
Jan Sweigert, SWRCB

MONTEREY COUNTY HEALTH DEPARTMENT

Desmond Rd WS #3, ID #270-0547
Attn: Kate Sawyer
Ed's Water Co #2
PO Box 1
Castroville, CA 95012

COMPLIANCE ORDER NO.17-014

**FOR
VIOLATION OF HEALTH AND SAFETY CODE SECTION 116655 (a)(1)
AND THE PRIMARY DRINKING WATER STANDARD FOR TOTAL COLIFORM
BACTERIA**

Dated June 20, 2017

The Monterey County Health Department (hereinafter "Department"), acting through its Local Primacy Delegation Agreement hereby issues this compliance order (hereinafter "Order") pursuant to Section 116655 of the California Health and Safety Code (hereinafter "CHSC") and Section 64258 of the California Code of Regulations and Section 15.04.195(B)(2) of the Monterey County Code (hereinafter "MCC") to the Desmond Rd WS #3 and its owner of record The Desmond Rd WS #3 for violation of CHSC section 116555(a)(1)&(3), Title 22, California Code of Regulations (hereinafter "CCR"), Section 64421(a)(5), and MCC, Section 15.04.085,

A copy of the applicable statutes and regulations is included in Appendix 1, which is attached hereto and incorporated herein by this reference.

STATEMENT OF FACTS

The Department is informed by the Water System and believes that the Desmond Rd WS #3 (hereinafter "Water System") is a privately owned Community water system located in Monterey County that supplies water for domestic purposes up to 55 individuals through 17 residential connections in the Desmond Road area. The Water System operates under Domestic Water Supply Permit #1028102 issued on October 28, 2010. The Water System is a Community public water system as defined in CHSC, section 116275.

The Water System utilizes one well as its source of domestic water. Title 22, CCR, Division 4, Chapter 15, Article 4, Section 64426.1 and MCC Section 15.04.110 establishes primary drinking water standards and monitoring and reporting requirements for coliform bacteria. As per Title 22, CCR Section 64421(a)(5) and MCC Section 15.04.085, water systems must comply with the maximum contaminant (MCL) level for coliform bacteria, as established in Title 22 CCR Section 64426.1. Specifically, Section 64426.1(b) states that a public water system is in violation of the total coliform MCL when any of the following occurs:

(1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or

(2) For a public water system which collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or

(3) Any repeat sample is fecal coliform-positive or E. coli-positive; or

(4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

Samples collected from the Water System in August, September, October, November, December 2016 and January, February, April, and May 2017 failed the total coliform MCL since two or more samples were positive for total coliform bacteria or E. coli. Specifically,

- In August 2016, 5 of the 10 samples collected were positive for total coliform bacteria.
- In September 2016, 9 of the 9 samples collected were positive for total coliform bacteria.
- In October 2016, 4 of the 5 samples collected were E.coli positive and 1 sample was positive for total coliform bacteria.
- In November 2016, 5 of the 5 samples collected were positive for total coliform bacteria.
- In December 2016, 2 of the 4 samples collected were positive for total coliform bacteria.
- In January 2017, 4 of the 4 samples collected were positive for total coliform bacteria.
- In February 2017, 5 of the 8 samples collected were positive for total coliform bacteria.
- In April 2017, 4 of the 4 samples collected were positive for total coliform bacteria.
- In May 2017, 4 of the 4 samples collected were positive for total coliform bacteria

HISTORY

The Water System notified Residents and the Department during the each month it was determined the Water System failed the Total Coliform MCL and disinfected the system. The investigation in August did not indicate the source of contamination. The Water System exceeds the MLC for Hexavalent Chromium and was already on a recommended bottled water order. In September, the well was positive so the Water System decided to hire a contractor to replace the check valve, pump, and video the well. An obstruction was found in the well, which needs to be further evaluated so the entire casing can be videoed. A site inspection by EHB in October 2016 did not find any obvious sources of the contamination. The Water System intends to install a temporary chlorinator.

DETERMINATIONS

Based on the above Statement of Facts, the Department has determined that the Water System and its owner of record have violated:

- a) CHSC, Section 116555 and Section 64426.1(b)(2).and MCC Section 15.04.085(a), in that the water produced by the water system during August, September, November, December 2016 had more the one total coliform positive sample and therefore, exceeded the total coliform MCL; and
- b) CHSC, Section 116555 and Section 64426.1(b)(3).and MCC Section 15.04.085(a), in that the water produced by the water system during October 2016 had a E.coli positive samples and therefore, exceeded the total coliform MCL; and

c) CHSC, Section 116555(a)(3) MCC Section 15.04.085 (c) in that the Department has determined that the Water System has failed to provide a reliable and adequate supply of pure, wholesome, healthful, and potable water.

DIRECTIVES

The Water System and its owner of record are hereby directed to take the following actions:

1. Take all necessary actions to bring the system into compliance with Title 22, CCR, Section 64421 (a)(5) and MCC Section 15.04.085 and remain in compliance.
2. On or before July 31, 2017, submit a Compliance Action Plan with proposed timeline to the Department to abate the frequent coliform contamination at the well. The Plan shall include installation of a temporary chlorinator. The Plan shall include evaluation of the entire system and if the other water system infrastructure is determined to be aging or faulty infrastructure, the plan shall include a timeline for replacement of the infrastructure. The temporary chlorinator shall remain in place until the replacement of any identified infrastructure needing replacement is complete.
3. Notify EHB and the users by the end of the business day of any total coliform MCL failures. Provide proof of notification and updated investigation report to EHB by the 10th day of the month following the total coliform MCL failure. EHB will provide current notification forms.
4. On or before July 31, 2017, issue a notice to all water system connections that the Water System Contact must be notified of any leaks, repairs, or maintenance

completed on the water lines/infrastructure within the service connection within 24 hours of the maintenance or repair or identification of the leak. Upon receiving notice, the Water System shall determine if the Water System has the potential to be contaminated from the incident and shall take any necessary action to ensure the Water System meets coliform standards. Actions may include special samples and disinfection of system.

5. On or before July 15, 2017, submit a written response to the Department indicating its agreement to comply with the directives of this Order.

6. Notify the Department in writing no later than five (5) days prior to the deadline for performance of any Directive set forth herein if Water System and/or its owner of record anticipates it will not timely meet such performance deadline.

All submittals required by this Order shall be addressed to: All submittals required by this Order shall be addressed to:

Cheryl Sandoval, Supervising EHS
Monterey County Health Department
Environmental Health Bureau-DWPS
1270 Natividad Rd.
Salinas, CA 93906
sandovalcl@co.monterey.ca.us

As used in this Order, the date of issuance shall be the date of this Order; and the date of service shall be the date of service of this Order, personal or by certified mail, on the Water System or its owner of record.

The Department reserves the right to make such modifications to this Order and/or to issue such further order(s) as it may deem necessary to protect public health and safety.

149 Such modifications may be issued as amendments to this Order and shall be deemed
150 effective upon issuance.

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152 Nothing in this Order relieves Water System or its owner of record of its obligation to
153 meet the requirements of the California SDWA and the Monterey County Code, or any
154 regulation, standard, permit or order issued thereunder.

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156 **PARTIES BOUND**

157 This Order shall apply to and be binding upon Water System, its owners, shareholders,
158 officers, directors, agents, employees, contractors, successors, and assignees.

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160 **SEVERABILITY**

161 The Directives of this Order are severable, and Water System and its owner of record
162 shall comply with each and every provision hereof, notwithstanding the effectiveness of
163 any other provision.

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165 **FURTHER ENFORCEMENT ACTION**

166 The California SDWA, the California Code of Regulations, and the Monterey County
167 Code authorizes the Department to: issue a citation with assessment of administrative
168 penalties to a public water system for violation or continued violation of the requirements
169 of the California SDWA and Monterey County Code or any regulation, permit, standard,
170 citation, or order issued or adopted thereunder including, but not limited to, failure to
171 correct a violation identified in a citation or compliance order. The California SDWA and
172 Monterey County Code also authorizes the Department to take action to suspend or

173 revoke a permit that has been issued to a public water system if the public water system
174 has violated applicable law or regulations or has failed to comply with an order of the
175 Department; and to petition the superior court to take various enforcement measures
176 against a public water system that has failed to comply with an order of the Department.
177 The Department does not waive any further enforcement action by issuance of this
178 Order.

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John Ramirez, MPA, REHS
Director Environmental Health Bureau
1270 Natividad Rd. Salinas CA 93906

6-22-17

Date

Certified Mail No. 701630100801 06736207

Cc: Cheryl Sandoval, EHB
Jan Sweigert, SWRCB

APPENDIX 1

APPLICABLE AUTHORITIES

CHSC, Section 116555(a) states in relevant part:

(a) Any person who owns a public water system shall ensure that the system does all of the following:

- (1) Complies with primary and secondary drinking water standards.
- (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water

CHSC, Section 116655 states in relevant part:

(a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

- (1) Directing compliance forthwith.
- (2) Directing compliance in accordance with a time schedule set by the department.
- (3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

- (1) That the existing plant, works, or system be repaired, altered, or added to.
- (2) That purification or treatment works be installed.
- (3) That the source of the water supply be changed.
- (4) That no additional service connection be made to the system.
- (5) That the water supply, the plant, or the system be monitored.
- (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the department.

Title 22, CCR, states in relevant parts:

Section 64421,

...

(a) Each water supplier shall:

...
(5) Comply with the Maximum Contaminant Level as required in section

64426.1.

Section 64426.1,

...

(b) A public water system is in violation of the total coliform MCL when any of the following occurs:

(1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or

(2) For a public water system which collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or

(3) Any repeat sample is fecal coliform-positive or E. coli-positive; or

(4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

Section 64258. Enforcement.

(a) A local primacy agency shall take enforcement actions as necessary to assure that all small water systems under the jurisdiction of the local primacy agency are in compliance with Division 104, Part 1, Chapters 4 and 5; Division 104, Part 12, Chapters 4 and 5 of the Health and Safety Code, and California Code of Regulations, Title 17, Division 1, Chapter 5, Group 4 and Title 22, Division 4, Chapters 14, 15, 15.5, 16, 17, and 17.5.

Monterey County Code, Section 15.04 (hereinafter "Section 15.04") provides in relevant parts:

15.04.110 - Drinking water standards—Maximum contaminant levels.

- a. The water supplier shall comply with any corrective actions ordered by the Director for any primary or secondary chemical contaminant which exceeds the maximum contaminant levels established in Chapter 15 of Title 22 of the California Code of Regulations, as may be amended from time to time, incorporated herein by this reference.
- b. Water exceeding the maximum contaminant levels established in Chapter 15 of Title 22 of the California Code of Regulations, as may be amended from time to time, and incorporated herein by this reference, shall not be supplied to users of the water system for human consumption or domestic purposes.

15.04.085 - Operational requirements.

Any person who operates a domestic water system shall do the following:

- a. Comply with primary and secondary drinking water standards contained in Chapter 15, of Title 22, California Code of Regulations, as may be amended from time to time, and incorporated herein by this reference.
- c. Provide a permanent, reliable, continuous and adequate supply of pure, wholesome, and potable water.

15.04.105 - Chemical quality—Monitoring and reporting.

...

- c. If the level of any primary or secondary chemical exceeds the maximum contaminant level, the water supplier shall notify the Department within forty-eight (48) hours from the receipt of the analysis and collect one additional sample within fourteen (14) days to confirm the result. If the average of the two samples collected exceeds the maximum contaminant level, the water supplier shall report this information to all users and the Department within forty-eight (48) hours and shall monitor quarterly beginning in the next quarter after the violation has occurred.

15.04.195 - Enforcement.

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B. Remedies.

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2. Orders. (Authority: California Health and Safety Code Section 116655)
- a. Whenever the Department determines that any person has violated or is violating this Chapter, or any permit, regulation, or standard issued or adopted pursuant to this Chapter, the Director may issue an order doing any of the following:

...

2. Directing compliance in accordance with a time schedule set by the Department.

...

- b. An order issued pursuant to this Section may include, but shall not be limited to, any or all of the following requirements:

1. That the existing plant, works, or system be repaired, altered, or added to.
2. That purification or treatment works be installed.
3. That the source of the water supply be changed.
4. That no additional service connection be made to the system.
5. That the water supply, the plant, or the system be monitored.
6. That a report on the condition and operation of the plant, works, system, or water supply be submitted to the Department.